

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF CHICAGO PAINTERS AND)
DECORATORS PENSION FUND, et al,)
vs.) No. 08 C 2400
Plaintiffs,) Judge Guzman
P & S INDUSTRIAL & COMMERCIAL PAINTING,) Magistrate Judge Valdez
an Indiana corporation,)
Defendants.)

STATUS REPORT

The parties submit the following report of the status of this case:

A. NATURE OF THE CASE

1. The basis for jurisdiction of this case is under the National Labor Relations Act, 29 U.S.C. Section 185(a) and also under ERISA, 29 U.S.C. Section 1132 (e)(1).
2. The nature of the claims presented herein are claims by ERISA employee benefit plans for delinquencies allegedly due by virtue of breach of a collective bargaining agreement and Trust agreements. Plaintiffs originally pled that the employer has failed to pay some of the contributions that are due and owing to the Funds, and the employer subsequently made payments.
3. The relief sought by Plaintiffs (the "Funds") in the Complaint is to obtain a fringe benefit contribution compliance audit for the period from July 1, 2005 through the present, and a judgment in the amount found to be due on the audit for contributions, liquidated damages, interest, and reasonable attorneys' fees and costs; all as provided in the Labor Agreement.
4. The defendant has been served with the Summons and Complaint on July 8, 2008. Defendant answered the Complaint on August 1, 2008. An audit is scheduled for Thursday, August

14, 2008. The parties anticipate that an audit report should be issued within the three to four weeks after that date, presuming that all records which are necessary to do the audit are provided on the 14th, and they are hopeful that the matter can be resolved thereafter.

B. NATURE OF REFERRAL/PRETRIAL DATES

5. No pretrial dates have been set.

C. DISCOVERY

6. No discovery has been exchanged, as defendant has just appeared in the case.

D. CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

7. The parties have not agreed to consent before the magistrate judge for all purposes at this time.

E. SETTLEMENT STATUS

8. The parties are willing to discuss settlement once the audit results have been issued and evaluated.

Respectfully submitted,

TRUSTEES OF THE CHICAGO PAINTERS et al,

s/James R. Anderson
DONALD D. SCHWARTZ
JAMES R. ANDERSON
ARNOLD AND KADJAN
19 West Jackson Blvd.
Chicago, Illinois 60604
(312) 236-0415
Attorney for Plaintiffs

s/Joseph P. Berglund
Berglund & Mastny, PC
1010 Jorie Blvd
Oakbrook, IL 60523
(630)990-0234
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2008 I electronically filed the foregoing Status Report with the Clerk of the Court using the CM/ECF system and to the following by U.S. Mail, postage prepaid:

Joseph P. Berglund
Berglund & Mastny, PC
1010 Jorie Blvd.
Oakbrook, IL 60523

s/James R. Anderson
ARNOLD AND KADJAN
19 W. Jackson Blvd., Suite 300
Chicago, IL 60604
Telephone No.: (312) 236-0415
Facsimile No.: (312) 341-0438
Dated: August 7, 2008